

Texas Commission on Environmental Quality

Permit or Registration Application for a Municipal Solid Waste Facility

Part I Instructions

FORM AVAILABILITY:

This form, as well as other Municipal Solid Waste documents and pertinent rules, is available on the Internet. The TCEQ Home Page is at: <http://www.TCEQ.state.tx.us>. Once you have accessed the home page, select "Forms and Publications" and follow the system prompts. The number for this form is 0650. Questions may be e-mailed to mswper@TCEQ.state.tx.us.

The original application plus all copies for New and Major Amendments should be submitted to:

Texas Commission on Environmental Quality
Attention: Waste Permits Division, MC 126
P. O. Box 13087
Austin, Texas 78711-3087

The original application plus all copies for Modifications, Minor Amendments, and Temporary Authorizations should be submitted to:

Texas Commission on Environmental Quality
Attention: Municipal Solid Waste Permits Section, MC 124
Waste Permits Division
P. O. Box 13087
Austin, Texas 78711-3087

TELEPHONE INQUIRIES:

- (512) 239-2334 - Technical – Municipal Solid Waste Permits Section, Waste Permits Division
- (512) 239-6413 - Waste Identification - Registration and Reporting Section, Registration, Review, and Reporting Division
- (512) 239-1240 - Office of Air Quality, New Source Review
- (512) 239-0600 - Legal - Legal Division
- (512) 239-0187 - Application Fees - Financial Administration Division

Pursuant to Section 361.067 of the Texas Health and Safety Code, the TCEQ is required to mail a copy of this application or a summary of its contents to other regulatory agencies. Part I may be considered a summary of the entire application provided that all questions are completely answered. Therefore, Part I responses must not rely solely on cross-references to other sections of the application.

SUBMITTAL:

The complete application should be typewritten or printed neatly in black ink. If the application has been prepared using word processing, the third copy should consist of paper copies of all plans and maps and a computer diskette of the remaining document. The document should be formatted in word processing software compatible with agency software. Files may be compressed using compatible file compression software.

For a new permit, major amendment to a permit, or registration application, submit:

1. the original application plus three (3) full copies;
2. twelve (12) additional copies of Part I: General Information, of the application;
3. a check for payment of application fees transmitted directly to the TCEQ Financial Administration Division with a photostatic copy of the check included in the original application; and
4. Pre-printed mailing labels of the adjacent landowners or an electronic mailing list on diskette in Microsoft Word compatible format.

For modifications and minor amendments to an issued permit, modifications to an issued registration, or for temporary authorization requests, submit:

1. an original application plus two (2) full copies, consisting of, at a minimum, Part I plus replacement pages for the changed portions of the application that change as a result of the modification or minor amendment;
2. a description of the exact changes to be made to the permit or registration conditions and supporting documents referenced by the permit or registration;
3. an explanation of why the modification or minor amendment is needed; and
4. a check for payment of application fees transmitted directly to the TCEQ Financial Administration Division with a photostatic copy of the check included in the modification or minor amendment application.

For all notice of deficiency responses, please resubmit page 1 and a new signature page 10 plus the appropriate number of copies.

Several modifications may be submitted as one application.

APPLICATION REVISIONS:

Please submit any application revisions with a revised date and page numbers at the bottom of the page(s).

WAIVERS:

Any request for waiver of any of the applicable requirements of this permit application must be fully documented.

DESIGNATION OF MATERIAL AS CONFIDENTIAL:

The Commission has a responsibility to provide a copy of each application to other review agencies and to interested persons upon request and to safeguard confidential material from becoming public knowledge. Thus, the Commission requests that the applicant (1) be prudent in the designation of material as confidential and (2) submit such material only when it might be essential to the staff in their development of a recommendation.

The Commission suggests that the applicant **NOT** submit confidential information as part of the permit or registration application. However, if this cannot be avoided, the confidential information should be described in non-confidential terms throughout the application, cross-referenced, and submitted as a separate document or binder, and conspicuously marked "CONFIDENTIAL."

Reasons of confidentiality include the concept of trade secrecy and other related legal concepts which give a business the right to preserve confidentiality of business information to obtain or retain advantages from its right in the information. This includes authorizations under, 18 U.S.C. 1905 and special rules cited in 40 CFR Chapter I, Part 2, Subpart B.

The applicant may elect to withdraw any confidential material submitted with the application. However, the permit cannot be issued, amended, or modified if the application is incomplete.

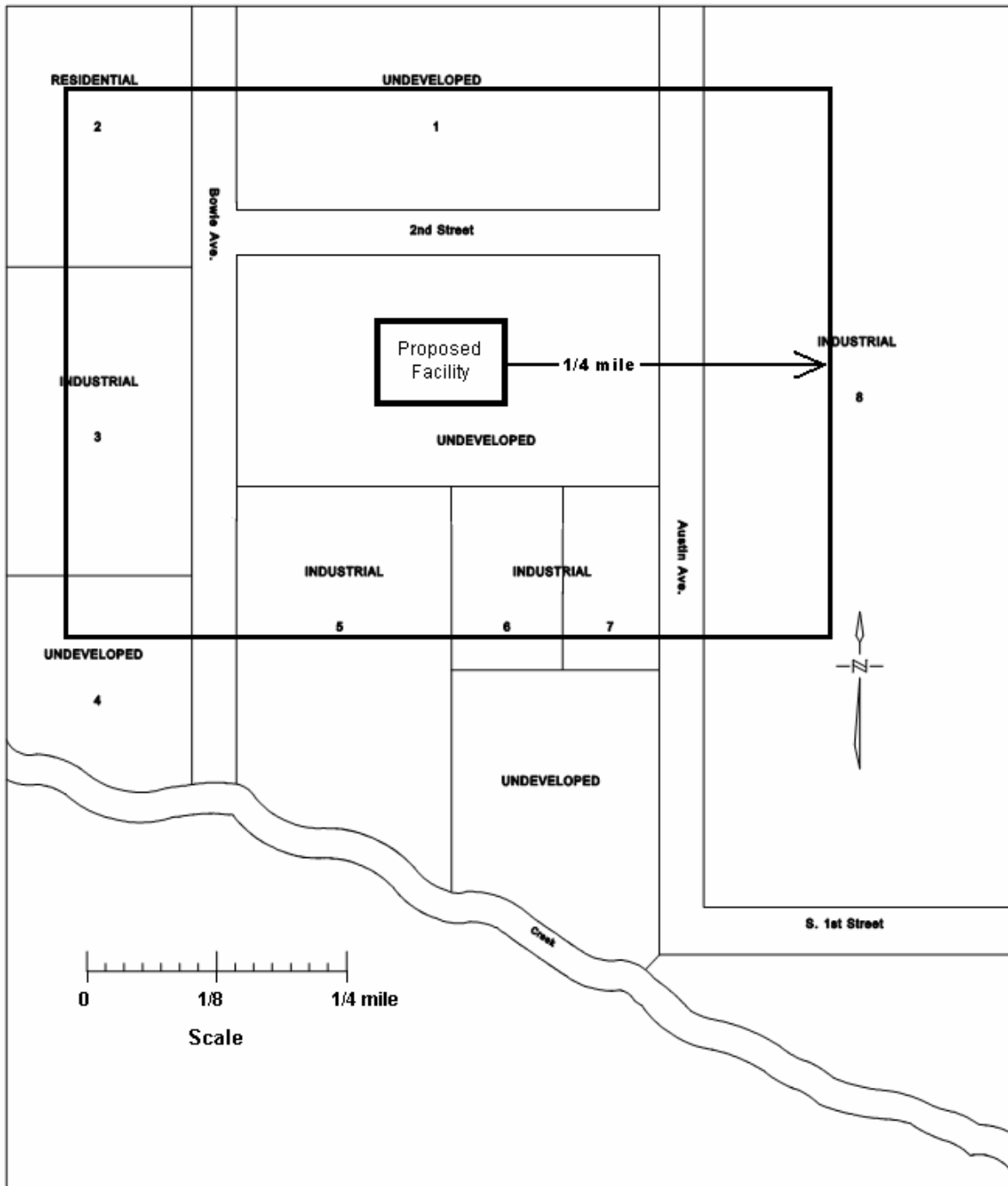
PRE-APPLICATION MEETING/PUBLIC PARTICIPATION ACTIVITIES [30 TAC §330.53]:

The TCEQ encourages applicants to hold a pre-application meeting with the public to allow both the applicant and the public to identify potential issues. Applicants are also encouraged to hold a pre-application meeting with TCEQ MSW Permits Section staff and to notify the Municipal Solid Waste Permits Section, Waste Permits Division of an intent to file a permit application.

If a local review committee has been established to facilitate communication between the applicant and the local host community, the applicant should summarize the activities of the committee and submit this summary with the application. Any report completed by the review committee must also be submitted.

SAMPLE APPLICATION MAP

ALL ADJACENT LANDOWNERS SHALL BE IDENTIFIED



LANDOWNERS CROSS-REFERENCED TO
APPLICATION MAP

The persons identified below would be considered as affected persons.

- | | | | |
|----|---|----|--|
| 1. | MR & MRS SAMUEL L DAVIS
11901 STAR BLVD
AUSTIN TX 78759 | 5. | JAXSON BREWING CO
4240 KNIGHTS BRIDGE
DALLAS TX 77640 |
| 2. | MR & MRS EDWARD SANCHEZ
1405 LINE ROAD
WACO TX 76710 | 6. | PLAINVIEW COMPANY
6647 CRAIGMONT LANE
HOUSTON TX 77590 |
| 3. | TEX-LINK CORP
8411 NW HWY
HOUSTON TX 77590 | 7. | ABC CHEMICALS INC
1212 ZIP STREET
DALLAS TX 77640 |
| 4. | MR & MRS TED GOLDSBY
3210 LEON AVE
WACO TX 76724 | 8. | BIG-C BOTTLE CO
10024 REGIONAL BLVD
BOVINA TX 79402 |

MINERAL INTEREST OWNERSHIP UNDER THE FACILITY

BOB SANDERS
867 HOLLOWBEND ROAD
SEGUIN TX 78155

CAROL SANDERS
5309 MAPLE LANE
GAUSE TX 77857

TED HENDERSON
459 MAGUIRE AVE
HARPER TX 78631

ALICE HENDERSON
2222 LONGWAY
DOOLE TX 76836

FACILITY EASEMENT HOLDERS

GULF PIPELINE
11200 S FANNIN
HOUSTON TX 77002

TEXAS STAR UTILITIES
8100 COMMERCE ST
DALLAS TX 75230

In accordance with 30 TAC §39.5(b), please also submit this mailing list electronically. The electronic list must contain only the name, mailing address, city, state, and zip code with no reference to the lot number or lot location.

Alternatively, the applicant may elect to submit pre-printed mailing labels of this mailing list with the application.



Texas Commission on Environmental Quality

Permit or Registration Application for Municipal Solid Waste Facility

Part I

A. General Information

Facility Name:			
Physical or Street Address (if available):			
(City) (County)(State)(Zip Code):			TX
(Area Code) Telephone Number:			
Charter Number:			

If the application is submitted on behalf of a corporation, provide the Charter Number as recorded with the Office of the Secretary of State for Texas.

Operator Name ¹ :			
Mailing Address:			
(City) (County)(State)(Zip Code):			
(Area Code) Telephone Number:			
(Area Code) FAX Number:			
Charter Number:			

If the permittee is the same as the operator, type "Same as Operator".

Permittee Name:			
Physical or Street Address (if available):			
(City) (County)(State)(Zip Code):			TX
(Area Code) Telephone Number:			
Charter Number:			

If the application is submitted by a corporation or by a person residing out of state, the applicant must register an Agent in Service or Agent of Service with the Texas Secretary of State's office and provide a complete mailing address for the agent. The agent must be a Texas resident.

Agent Name:			
Mailing Address:			
(City) (County)(State)(Zip Code):			
(Area Code) Telephone Number:			
(Area Code) FAX Number:			

Application Type:

<input type="checkbox"/>	Permit	<input type="checkbox"/>	Major Amendment	<input type="checkbox"/>	Minor Amendment
<input type="checkbox"/>	Registration	<input type="checkbox"/>	Modification	<input type="checkbox"/>	Temporary Authorization
		<input type="checkbox"/>	w/Public Notice		
		<input type="checkbox"/>	w/out Public Notice	<input type="checkbox"/>	Notice of Deficiency Response

¹ The operator has the duty to submit an application if the facility is owned by one person and operated by another [30 TAC 305.43(b)]. The permit will specify the operator and the owner who is listed on this application [Section 361.087 Texas Health and Safety Code].

Facility Classification:

<input type="checkbox"/>	Type I	<input type="checkbox"/>	Type IV	<input type="checkbox"/>	Type V	<input type="checkbox"/>	Type IX
<input type="checkbox"/>	Type I AE	<input type="checkbox"/>	Type IV AE	<input type="checkbox"/>	Type VI		

Activities covered by this application (check all that apply):

<input type="checkbox"/>	Storage	<input type="checkbox"/>	Processing	<input type="checkbox"/>	Disposal
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Waste management units covered by this application (check all that apply):

<input type="checkbox"/>	Containers	<input type="checkbox"/>	Tanks	<input type="checkbox"/>	Surface Impoundments	<input type="checkbox"/>	Landfills
<input type="checkbox"/>	Incinerators	<input type="checkbox"/>	Composting	<input type="checkbox"/>	Type IV Demonstration Unit	<input type="checkbox"/>	Type IX Energy/Material Recovery
<input type="checkbox"/>	Other (Specify)		<input type="checkbox"/>	Other (Specify)			
<input type="checkbox"/>	Other (Specify)		<input type="checkbox"/>	Other (Specify)			

Is this submittal part of a Consolidated Permit Processing request, in accordance with 30 TAC Chapter 33?

☐ Yes ☐ No

If yes, state the other TCEQ program authorizations requested.

Provide a brief description of the portion of the facility covered by this application. For amendments, modifications, and temporary authorizations, provide a brief description of the exact changes to the permit or registration conditions and supporting documents referenced by the permit or registration. Also, provide an explanation of why the amendment, modification, or temporary authorization is requested.

Does the application contain confidential Material? ☐ Yes ☐ No

If yes, cross-reference the confidential material *throughout the application* and submit as a separate document or binder conspicuously marked "CONFIDENTIAL."

Alternative Language Notice Instructions

For certain permit applications, public notice in an alternate language is required. If an elementary school or middle school nearest to the facility offers a bilingual program, notice may be required to be published in an alternative language. The Texas Education Code, upon which the TCEQ alternative language notice requirements are based, trigger a bilingual education program to apply to an entire school district should the requisite alternative language speaking student population exist. However, there may not exist any bilingual students at a particular school within a district which is required to offer the bilingual education program. For this reason, the requirement to publish notice in an alternative language is triggered if the nearest elementary or middle school, as a part of a larger school district, is required to make a bilingual education program available to qualifying students and either the school has students enrolled at such a program on-site, or has students who attend such a program at another location in satisfaction of the school's obligation to provide such a program as a member of a triggered district.

If it is determined that an alternative language notice is required, the applicant is responsible for ensuring that the publication in the alternate language is complete and accurate in that language. Electronic versions of the Spanish template examples are available from the TCEQ to help the applicant complete

the publication in the alternative language.

Alternative Language Notice Application Form:

Alternative language notice confirmation for this application:

1. Is a bilingual program required by the Texas Education Code in the school district where the facility is located? ☐ YES ☐ NO

(If NO, alternative language notice publication not required)

2. If YES to question 1, are students enrolled in a bilingual education program at either the elementary school or the middle school nearest to the facility? ☐ YES ☐ NO

(If YES to questions 1 and 2, alternative language publication is required; If NO to question 2, then consider the next question)

3. If YES to question 1, are there students enrolled at either the elementary school or the middle school nearest to the facility who attend a bilingual education program at another location? ☐ YES ☐ NO

(If Yes to questions 1 and 3, alternative language publication is required; If NO to question 3, then consider the next question)

4. If YES to question 1, would either the elementary school or the middle school nearest to the facility be required to provide a bilingual education program but for the fact that it secured a waiver from this requirement, as available under 19 TAC §89.1205(g)?
☐ YES ☐ NO

(If Yes to questions 1 and 4, alternative language publication is required; If NO to question 4, alternative language notice publication not required)

If a bilingual education program(s) is provided by either the elementary school or the middle school nearest to the facility, which language(s) is required by the bilingual program?

Note: Applicants for new permits and major amendments must make a copy of the administratively complete application available at a public place in the county where the facility is, or will be, located for review and copying by the public.

Public place where administratively complete permit application will be located.			
Public Place (e.g., public library, county court house, city hall, etc.):			
Mailing Address:			
(City) (County)(State)(Zip Code):			
(Area Code) Telephone Number:			

B. Facility Location

Except for Type I AE and Type IV AE landfill facilities, for permits, registrations, amendments, and modifications requiring public notice, provide the URL address of a publicly accessible internet web site where the application and all revisions to that application will be posted.

Local Government Jurisdiction:	
Within City Limits of:	
Within Extraterritorial Jurisdiction of City of:	
Is the proposed municipal or industrial solid waste disposal or processing facility located in an area in which the governing body of the municipality or county has prohibited the disposal or processing of municipal or industrial solid waste? (If YES, provide a copy of the ordinance or order):	
<input type="checkbox"/> YES <input type="checkbox"/> NO	

Provide a description of the location of the facility with respect to known or easily identifiable landmarks.

Detail the access routes from the nearest United States or state highway to the facility.

Provide the latitudinal and longitudinal geographic coordinates of the facility.

Latitude	N
Longitude	W
Elevation (above msl)	

Is the facility within the Coastal Management Program boundary? ☐ Yes ☐ No

Texas Department of Transportation District Location:

TXDOT District Name & Number:				
District Engineer's Name:				
Street or P. O. Box:				
(City) (County) (State) (Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

The local governmental authority or agency responsible for road maintenance:

Agency Name				
Contact Person's Name:				
Street or P. O. Box:				
(City) (County) (State) (Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

State Representative:

District Number:				
State Representative's Name:				
District Office Address:				
(City) (County) (State) (Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

State Senator:

District Number:				
State Senator's Name:				
District Office Address:				
(City) (County)(State)(Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

Council of Government (COG) Information:

COG Name:				
COG Representative's Name:				
COG Representative's Title:				
Street or P. O. Box:				
(City) (County)(State)(Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

River Basin Information:

River Authority:				
Contact Person's Name:				
Watershed Sub-Basin Name:				
Street or P. O. Box:				
(City) (County)(State)(Zip Code):				
(Area Code) Telephone Number:				
(Area Code) FAX Number:				

This site is located in the following District of the U.S. Army Corps of Engineers:			
<input type="checkbox"/> Albuquerque, NM	<input type="checkbox"/> Ft. Worth, TX	<input type="checkbox"/> Galveston, TX	<input type="checkbox"/> Tulsa, OK

C. Maps

General

For permits, registrations, and amendments only, submit a topographic map, ownership map, county highway map, or a map prepared by a registered professional engineer or a registered surveyor which shows the facility and each of its intake and discharge structures and any other structure or location regarding the regulated facility and associated activities. Maps must be of material suitable for a permanent record, and shall be on sheets 8-1/2 inches by 14 inches or folded to that size, and shall be on a scale of not less than one inch equals one mile. The map shall depict the approximate boundaries of the tract of land owned or to be used by the applicant and shall extend at least one mile beyond the tract boundaries sufficient to show the following:

each well, spring, and surface water body or other water in the state within the map area;

the general character of the areas adjacent to the facility, including public roads, towns and the nature of development of adjacent lands such as residential, commercial, agricultural, recreational, undeveloped, etc;

the location of any waste disposal activities conducted on the tract not included in the application; and

the ownership of tracts of land adjacent to the facility and within a reasonable distance from the proposed point or points of discharge, deposit, injection, or other place of disposal or activity.

General location maps

For permits, registrations, and amendments only, submit at least one general location map at a scale of one-half inch equals one mile. This map shall be all or a portion of a county map prepared by Texas Department of Transportation (TxDOT). If TxDOT publishes more detailed maps of the proposed facility area, the more detailed maps shall also be included in Part I. Use the latest revision of all maps.

Land ownership map

Provide a map that locates the property owned by adjacent and potentially affected landowners. The maps should show all property ownership within 1/4 mile of the facility, on-site facility easement holders, and all mineral interest ownership under the facility.

Landowners list

Provide the adjacent and potentially affected landowners' list, keyed to the land ownership map with each property owner's name and mailing address. The list shall include all property owners within 1/4 mile of the facility, easement holders, and all mineral interest ownership under the facility. Provide the property, easement holders', and mineral interest owners' names and mailing addresses derived from the real property appraisal records as listed on the date that the application is filed. Provide the list in electronic form, as well.

D. Property owner information

For permits, registrations, amendments, and modifications that change the legal description, a change in owner, or a change in operator only, provide the following:

(1) the legal description of the facility;

- (A) the abstract number as maintained by the Texas General Land Office for the surveyed tract of land;
- (B) the legal description of the property and the county, book, and page number or other generally accepted identifying reference of the current ownership record;
- (C) for property that is platted, the county, book, and page number or other generally accepted identifying reference of the final plat record that includes the acreage encompassed in the application and a copy of the final plat, in addition to a written legal description;
- (D) a boundary metes and bounds description of the facility signed and sealed by a registered professional land surveyor;
- (E) on-site easements at the facility, and
- (F) drawings of the boundary metes and bounds description; and

(2) a property owner affidavit signed by the owner.

E. Legal authority

Provide verification of the legal status of the owner and operator, such as a one-page certificate of incorporation issued by the secretary of state. List all persons having over a 20% ownership in the proposed facility.

Indicate Ownership status of the facility:									
<input type="checkbox"/>	Private	<input type="checkbox"/>	Corporation	<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Proprietorship	<input type="checkbox"/>	Non-Profit Organization
<input type="checkbox"/>	Public	<input type="checkbox"/>	Federal	<input type="checkbox"/>	Military	<input type="checkbox"/>	State	<input type="checkbox"/>	Regional
<input type="checkbox"/>	County	<input type="checkbox"/>	Municipal	<input type="checkbox"/>	Other (Specify)				

Does the operator own the facility units and the facility property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If "No," for permits, registrations, amendments, and modifications that changes the legal description, a change in owner, or a change in operators submit a copy of the lease for the use of or the option to buy the facility units or facility property, as appropriate, and identify:

Owner Name:			
Street or P. O. Box:			
(City) (County)(State)(Zip Code):			
(Area Code) Telephone Number:			
(Area Code) FAX Number:			
Charter Number:			

F. Evidence of competency

For permits, registrations, amendments, and modifications that change the legal description, a change in owner, or a change in operators submit a list of all Texas solid waste sites that the owner and operator have owned or operated within the last ten years.

Site Name	Site Type	Permit/Reg. No.	County	Dates of Operation

Submit a list of all solid waste sites in all states, territories, or countries in which the owner and operator have a direct financial interest.

Site Name	Location	Dates of Operation	Regulatory Agency (Name & Address)

A licensed solid waste facility supervisor, as defined in 30 TAC Chapter 30, Occupational Licenses and Registrations will be employed before commencing facility operation.

Provide the names of the principals and supervisors of the owner's and operator's organization, together with previous affiliations with other organizations engaged in solid waste activities.

Name	Previous Affiliation	Other Organization

For landfill permit applications only, evidence of competency to operate the facility shall also include landfilling and earthmoving experience if applicable, and other pertinent experience, or licenses as described in 30 TAC Chapter 30 possessed by key personnel. The number and size of each type of equipment to be dedicated to facility operation will be specified in greater detail on Part IV of the application within the site operating plan.

Landfilling/Earthmoving Equipment Types	Personnel Experience or Licenses

For mobile liquid waste processing units, submit a list of all solid waste, liquid waste, or mobile waste units that the owner and operator have owned or operated within the past five years. Submit a list of any final enforcement orders, court judgments, consent decrees, and criminal convictions of this state and the federal government within the last five years relating to compliance with applicable legal requirements relating to the handling of solid or liquid waste under the jurisdiction of the commission or the United States Environmental Protection Agency. Applicable legal requirement means an environmental law, regulation, permit, order, consent decree, or other requirement.

Solid waste, liquid waste, or mobile waste units owned or operated within past 5 years	Texas and federal final enforcement orders, court judgments, consent decrees, and criminal convictions

G. Appointments

Provide documentation that the person signing the application meets the requirements of 30 TAC §305.44, Signatories to Applications. If the authority has been delegated, provide a copy of the document issued by the governing body of the owner or operator authorizing the person that signed the application to act as agent for the owner or operator.

H. Application Fees

For a new permit, registration, amendment, modification, or temporary authorization, submit a \$150 application fee.

For authorization to construct an enclosed structure over an old, closed municipal solid waste landfill in accordance with 30 TAC 330 Subchapter T, submit a \$2,500 application fee.

If paying by check, send payment to:

Texas Commission on Environmental Quality
Financial Administration Division, MC 214
P. O. Box 13087
Austin, Texas 78711-3087

Payment maybe made online using TCEQ e-pay at www.tceq.state.tx.us/e-services/	
E-pay confirmation number	

PROPERTY OWNER AFFIDAVIT

"I, _____,
(property owner)

acknowledge that the State of Texas may hold me either jointly or severally responsible for the operation, maintenance, and closure and post-closure care of the facility. For a facility where waste will remain after closure, I acknowledge that I have a responsibility to file with the county deed records an affidavit to the public advising that the land will be used for a solid waste facility prior to the time that the facility actually begins operating as a municipal solid waste landfill facility, and to file a final recording upon completion of disposal operations and closure of the landfill units in accordance with Title 30 Texas Administrative Code §330.19, Deed Recordation. I further acknowledge that I or the operator and the State of Texas shall have access to the property during the active life and post-closure care period, if required, after closure for the purpose of inspection and maintenance."

(Owner signature)

(Date)

Signature Page

I, _____, _____,
(Operator) (Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____ Date: _____

TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR

I, _____, hereby designate _____
(Print or Type Operator Name) (Print or Type Representative Name)

as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

Printed or Typed Name of Operator or Principal Executive Officer

Signature

SUBSCRIBED AND SWORN to before me by the said _____

On this _____ day of _____, _____

My commission expires on the _____ day of _____, _____

Notary Public in and for

County, Texas

(Note: Application Must Bear Signature & Seal of Notary Public)